

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JIMMY E. WELLS,

Plaintiff,

v.

PIERCE COUNTY JAIL, *et al.*,

Defendants.

Case No. C07-5233 RJB/K/S

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on Plaintiff's application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On May 10, 2007, the Clerk received Plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. # 1). On May 15, 2007, the Clerk sent a letter to Plaintiff, informing Plaintiff that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* on or before June 14, 2007, or this matter could be subject to dismissal. (Dkt. # 2).

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal,

1 obtained from the appropriate official of each prison at which the prisoner is or was
2 confined.

3 Plaintiff was required to submit a statement showing the balance and activity of his account for the
4 six-month period immediately preceding the filing of his complaint. He has not done so.

5 Accordingly, the Court **ORDERS** the following:

- 6 (1) Plaintiff shall seek to cure the above deficiencies by paying the full \$350.00 court filing fee
7 or filing a proper application to proceed *in forma pauperis* **no later than July 31, 2007**, by
8 submitting, along with his application, a copy of his prison trust account statement pursuant
9 to 28 U.S.C. § 1915(a)(2) showing the balance and activity of his account(s) for the six-
10 month period immediately preceding the filing of his complaint. **Failure to cure this**
11 **deficiency by the above date shall be deemed a failure to properly prosecute this**
12 **matter and the Court will recommend dismissal of this matter.**
- 13 (2) The Clerk is directed to send a copy of this Order to Plaintiff.
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15 DATED this 21st day of June, 2007.
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20 Karen L. Strombom
21 United States Magistrate Judge
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